

Index File

Application No. UP-671-05

George Nice & Sons, Inc.

Application No. UP-671-05 is a request for a Special Use Permit to authorize a home contractor office with up to five non-resident employees on a 92.8-acre parcel located at 143 Skimino Road (Route 797).

The staff is recommending approval.

Attachments:

1. Staff Report
2. Zoning map
3. Survey Plat
4. Site Map
5. Proposed Resolution No. PC05-28

COUNTY OF YORK

MEMORANDUM

DATE: July 1, 2005 (PC Mtg. 7/13/05)

TO: York County Planning Commission

FROM: Timothy C. Cross, AICP, Principal Planner

SUBJECT: Application No. UP-671-05, George Nice & Sons, Inc.

ISSUE

This application requests a Special Use Permit, pursuant to Section 24.1-283(e) of the York County Zoning Ordinance, to authorize a home contractor office with up to five (5) non-resident employees on a 92.8-acre parcel located at 143 Skimino Road (Route 797) and further identified as Assessor's Parcel No. 3-1-B.

DESCRIPTION

- Property Owner: George J. Nice
- Location: 143 Skimino Road (Route 797)
- Area: 92.8 acres
- Frontage: Approximately 214 feet on Skimino Road
- Utilities: Public water and sewer not available
- Topography: Steep slopes are present on about one-third of the property
- 2015 Land Use Map Designation: Low Density Residential
- Zoning Classification: RR – Rural Residential
- Existing Development: Horse farm with a single-family detached home, a barn, and a horse stable
- Surrounding Development:
 - North: Skimino Creek; vacant 411-acre parcel in James City County beyond
 - East: Single-family detached homes (Skimino Landing Estates)
 - South: Single-family detached homes (across Skimino Road)
 - West: Colonial Campground and single-family detached homes fronting on Barlow Road

- Proposed Development: Use of an existing structure for a home office with up to five (5) non-resident employees

BACKGROUND

In 1999 the Board of Supervisors approved a Special Use Permit to authorize a contracting business with outdoor storage (George Nice & Sons, Inc.) as a home occupation on the subject property. Because the adjacent property to the east was being developed as the Skimino Landing Estates subdivision and the contracting business would be incompatible with that residential use, the Board established a maximum five-year term on the use permit to give the applicant sufficient time to relocate the business to a properly zoned commercial or industrial site. Ultimately the applicant found a site in the Hankins Industrial Park in the Toano section of James City County. Construction took longer than expected, causing the applicant in 2003 to request an extension of the use permit, which the Board approved, extending the use permit expiration date to January 20, 2005. The applicant has since moved the contractor vehicles and equipment to the Toano site, but James City County approval of the office building is still pending; the applicant does not expect construction to be complete before the end of next year. Therefore, the applicant is applying for a new use permit to temporarily continue the existing home office use, which would typically be permitted as a matter of right but in this case requires a Special Use Permit because it involves non-resident employees.

CONSIDERATIONS/CONCLUSIONS

1. The property is located in a residential area, with single-family detached homes to the east, south (across Skimino Road), and west, where homes front along Barlow Road; also to the west is the 148-acre Colonial Campground, which fronts on Newman Road. The property abuts nine parcels in the Skimino Landing Estates subdivision to the east, including seven residential lots, one of which was purchased by the applicant in 1998 to provide a buffer between the previous home contracting business and residential development, and two parcels designated as common area for the subdivision. To the north, across Skimino Creek, is an undeveloped 411-acre parcel in James City County, over 100 acres of which is used agriculturally. The density of development is low in this area, consistent with the lack of public water and sewer, which dictates a minimum lot size of two (2) acres. Accordingly, the property is designated Low Density Residential in the *Comprehensive Plan* and zoned RR (Rural Residential).
2. The property is utilized as a horse farm. Other development on this 92.8-acre parcel includes a single-family detached home (occupied by the applicant), a barn, and a horse stable. A second single-family detached home sits on an adjoining 5.1-acre parcel also owned by the applicant. The office is located on the second story of the barn, which has a building footprint of approximately 3,600 square feet. Staff estimates that the office occupies approximately 1,500 square feet of floor area, which represents approximately 46% of the floor area of the 3,246-square foot home. Section 24.1-281(b) of the Zoning Ordinance limits the area of home occupations to 400 square feet or 25% of the floor area of the residence, whichever is less, unless the

Board of Supervisors authorizes a greater area in conjunction with a Special Use Permit, as it did in 1999, when the Board authorized up to 9,000 square feet of floor area in structures associated with the contracting business. Staff believes that the proposed contractor office, like the previous contracting business, is an unusual case where an increase in floor area above the prescribed limits is warranted because of both the size of the property and the fact that the office is located within an existing structure that is associated with the horse farm operation and will have no impacts on surrounding properties.

3. The property is served by a single driveway measuring approximately 1,250 feet in length with what appears to be a commercial entrance on Skimino Road. The driveway leads to the barn and to a separate residential driveway that serves both the applicant's home and a second home located on an adjacent property owned by the applicant and occupied by the caretaker of the horse farm. A large gravel parking area surrounding the barn is capable of accommodating more than the five parking spaces that would be required for the home office. An attached garage and parking area for the on-site home are separate from the office parking.
4. With five (5) non-resident employees, the proposed home occupation can be expected to generate up to approximately twenty (20) vehicle trips per day, including five (5) each in the AM and PM peak hours. By contrast, the previous use of the property for a contracting business – with 25 non-resident employees – generated an estimated fifty (50) vehicle trips per day, including heavy construction vehicles and equipment. If this parcel were subdivided for residential development staff estimates that approximately 300 vehicle trips per day would be generated.
5. No vehicles, equipment, or materials associated with the contracting business will be permitted to be kept on the property if this application is approved. Farm equipment, horse trailers, etc. will still be permitted in conjunction with the existing horse farm operation whether or not the use permit is approved.

RECOMMENDATION

The Zoning Ordinance requires a Special Use Permit for home occupations with non-resident employees because of the potential impacts on the surrounding neighborhood in terms of traffic, on-street parking, sewerage, and water use – none of which is a concern with respect to this application. Unlike most home occupations that come before the Commission, which typically involve conventionally sized residential lots within subdivisions, the proposed home occupation is located on a large parcel in an area of relatively sparse residential development. With approximately 93 acres, the property is large enough to accommodate the contractor office with little or no impact on the surrounding area. Therefore, based on the considerations and conclusions as noted, staff recommends that the Commission forward this application to the Board of Supervisors with a recommendation of approval subject to the conditions contained in proposed Resolution No. PC05-28. A condition in the proposed resolution specifies that the use permit will expire two years from the date of approval. Although the applicant's estimated time frame for constructing its new office building in James City County is

approximately 18 months, he has requested a two-year extension to provide additional flexibility in the event of unforeseen permitting or construction issues.

TCC

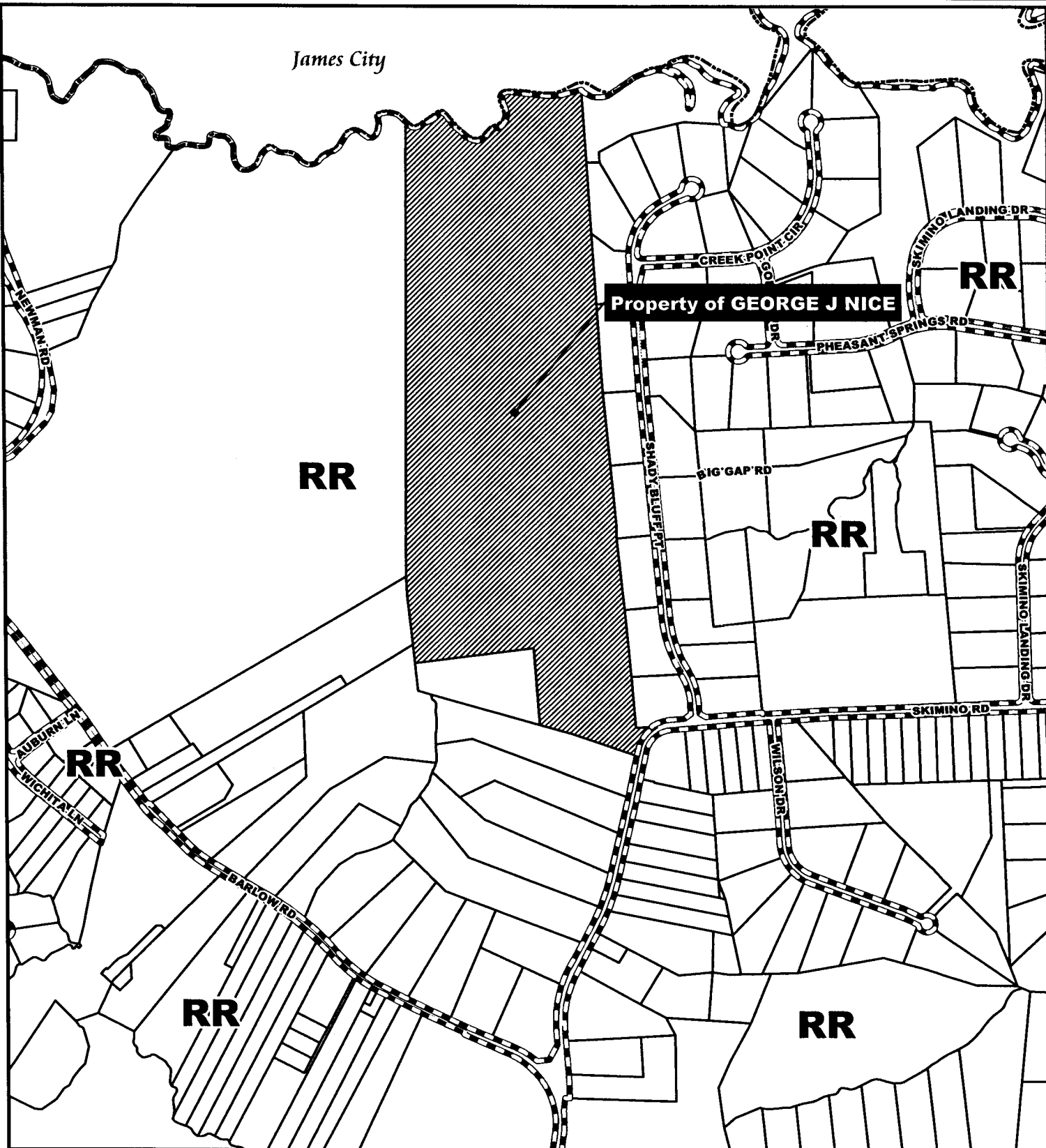
Attachments

- Zoning Map
- Survey Plat
- Site Map
- Proposed Resolution No. PC05-28

APPLICANT
George Nice & Sons, Inc.
To authorize a home occupation
143 SKIMINO RD

ZONING MAP

APPLICATION NUMBER: UP-671-05



* = Conditional Zoning

0 400 800 1,600
Feet

Printed on May 18, 2005

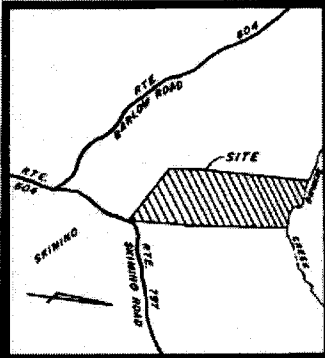


LIBRARY TILE NUMBER:

Lr001

**SOURCE: YORK COUNTY
GIS PARCEL DATA and
ZONING COVERAGE**

THIS IS NOT A LEGAL PLAT.
This map should be used for
information purposes only. It is
not suitable for detailed site planning.



VICINITY MAP
SCALE: 1" = 2000'

MINIMUM BUILDING SET BACK LINE SHOWN THUS.



THIS IS A PRIVATE SUBDIVISION PURSUANT TO SECTION 8-34 OF THE SUBDIVISION ORDINANCE OF YORK COUNTY, VIRGINIA, AND THE EASEMENT OF RIGHT-OF-WAY SHOWN ON THIS PLAN IS NOT A PUBLIC STREET AND WILL NOT BE MAINTAINED BY THE COMMONWEALTH OF VIRGINIA OR THE COUNTY OF YORK, BUT IS A PRIVATE STREET TO BE MAINTAINED, IF AT ALL, BY THE GRANTEE AND/OR OTHERS BY PRIVATE ARRANGEMENT.

THE PLATTING OF THE LAND HEREON SHOWN IS WITH THE FREE CONSENT AND IN ACCORDANCE WITH THE DESIRE OF THE UNDERSIGNED OWNER, PROPRIETOR, AND TRUSTEES, IF ANY.

George J. Nice
DATE: 3/1/1989

STATE OF VIRGINIA, TO WIT:

I, G. J. NICE, A NOTARY PUBLIC IN AND FOR THE STATE OF VIRGINIA, DO HEREBY CERTIFY THAT THE ABOVE NAMED PERSON WHOSE NAME IS SIGNED TO THE FOREGOING WRITING HAS ACKNOWLEDGED THE SAME BEFORE ME IN MY OFFICE AND STATE AFORESAID.

GIVEN UNDER MY HAND THIS 1st DAY OF March, 1989.

D. L. Ballant
NOTARY PUBLIC

MY COMMISSION EXPIRES 10/7/1991

TO THE BEST OF MY KNOWLEDGE AND BELIEF, ALL THE REQUIREMENTS AS SET FORTH IN THE ORDINANCE FOR APPROVING PLATS OF SUBDIVISION IN THE COUNTY OF YORK, VIRGINIA, HAVE BEEN COMPLIED WITH, INCLUDING A CLOSURE OF NOT LESS THAN 1/10,000.

THIS IS TO CERTIFY THAT THE LAND EMBRACED IN THIS SUBDIVISION IS IN THE NAME OF GEORGE J. NICE AND WAS ACQUIRED FROM SHAMROCK ASSOCIATES, A VIRGINIA GENERAL PARTNERSHIP, BY DEED DATED NOVEMBER 13, 1988, AND ONLY RECORDED IN THE CLERK'S OFFICE OF THE CIRCUIT COURT OF THE COUNTY OF YORK, VIRGINIA IN DEED BOOK 408, PAGE 9. I CERTIFY THAT IRON PINS AS SHOWN ON THIS PLAT WILL BE SET ON OR BEFORE SEPT. 30, 1989.

D. L. Ballant
D. L. BALLANT
CERTIFIED LAND SURVEYOR

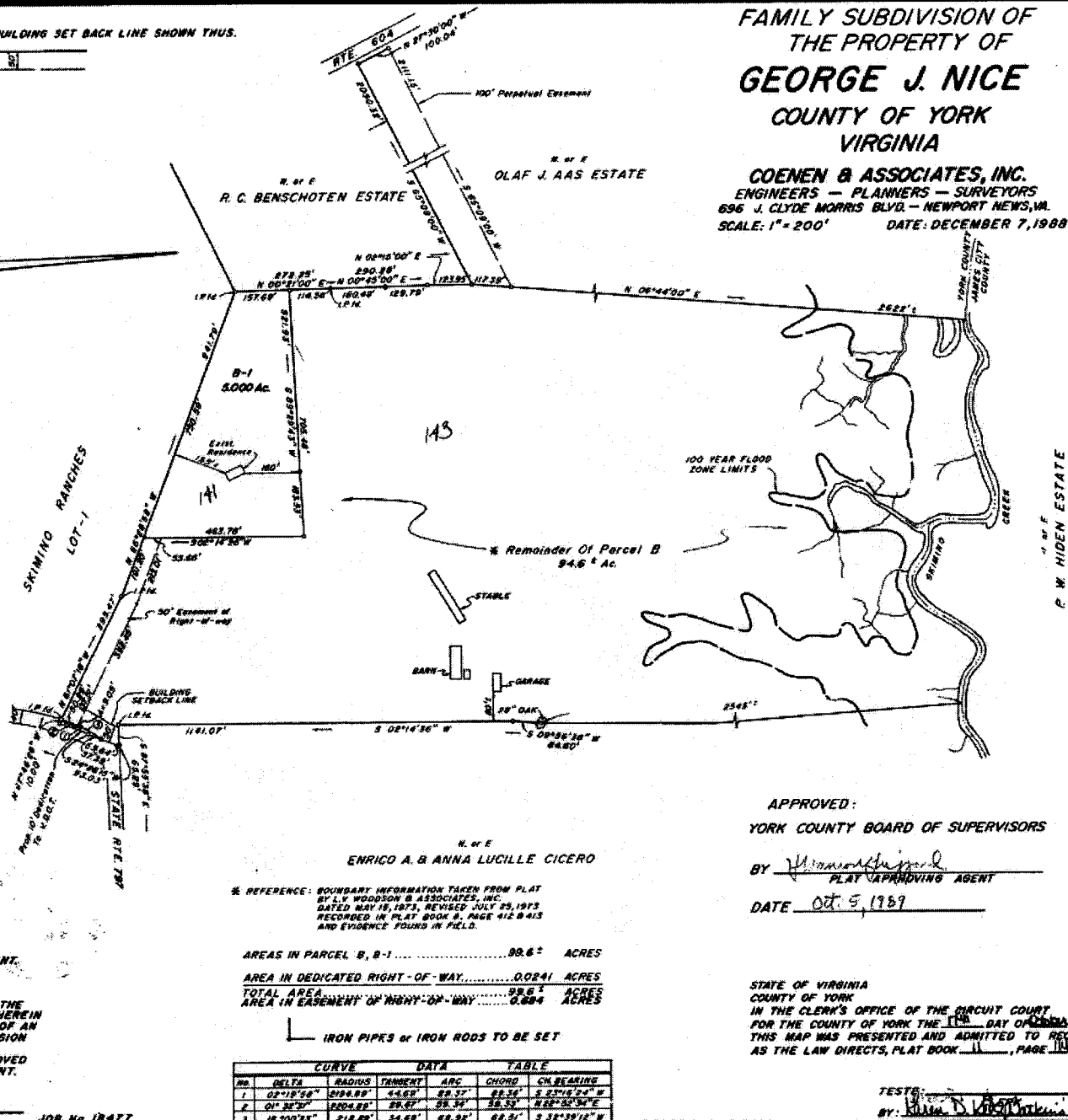
EACH LOT WITHIN THIS SUBDIVISION IS TO BE SERVED BY A WELL TO BE APPROVED BY THE HEALTH DEPARTMENT.

THIS SUBDIVISION HAS BEEN INSPECTED BY AN AGENT OF THE LOCAL HEALTH DEPARTMENT AND EACH LOT CONTAINED THEREIN HAS BEEN DETERMINED ACCEPTABLE FOR INSTALLATION OF AN INDIVIDUAL SEWAGE DISPOSAL SYSTEM UNDER THE SUBDIVISION EVALUATION PROCEDURES IN EFFECT AS OF THIS DATE. SUBJECT TO THE CONDITIONS INDICATED ON THE APPROVED COPY OF PLAT FILED AT THE LOCAL HEALTH DEPARTMENT.

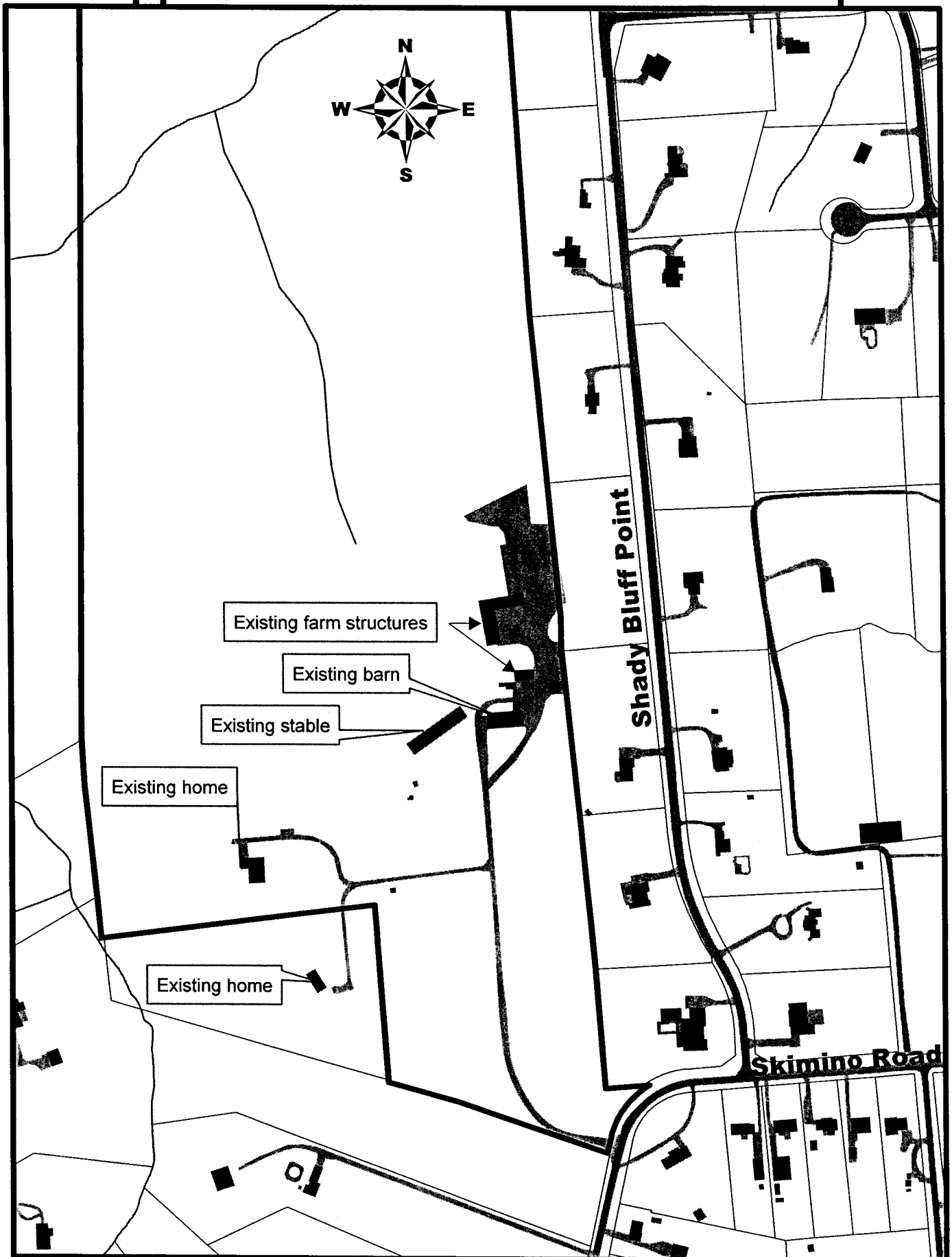
Larry W. Nixson

DATE 3/1/89

JOB NO. 18477



Application No. UP-671-05: Site Map



0 180 360 720 Feet

PLANNING COMMISSION
COUNTY OF YORK
YORKTOWN, VIRGINIA

Resolution

At a regular meeting of the York County Planning Commission held in the Board Room, York Hall, Yorktown, Virginia, on the ____ day of ____, 2005:

Present

Vote

Christopher A. Abel
Alexander T. Hamilton
John W. Staton
Nicholas F. Barba
Alfred E. Ptasznik, Jr.
Anne C. H. Conner
John R. Davis

On motion of _____, which carried ____, the following resolution was adopted:

A RESOLUTION TO RECOMMEND APPROVAL OF A SPECIAL
USE PERMIT TO AUTHORIZE A CONTRACTOR OFFICE WITH UP
TO FIVE (5) NON-RESIDENT EMPLOYEES AS A HOME
OCCUPATION AT 143 SKIMINO ROAD

WHEREAS, George Nice & Sons, Inc. has submitted Application No. UP-671-05, which requests a Special Use Permit, pursuant to Section 24.1-283(e) of the York County Zoning Ordinance, to authorize a contractor office with up to five (5) non-resident employees as a home occupation on a 92.8-acre parcel located at 143 Skimino Road (Route 797) and further identified as Assessor's Parcel No. 3-1-B; and

WHEREAS, said application has been forwarded to the York County Planning Commission in accordance with applicable procedure; and

WHEREAS, the Planning Commission had conducted a duly advertised public hearing on this application; and

WHEREAS, the Commission has carefully considered the public comments with respect to this application;

NOW, THEREFORE, BE IT RESOLVED by the York County Planning Commission this the ____ day of ____, 2005, that Application No. UP-671-05 be, and it is hereby, transmitted to the York County Board of Supervisors with a recommendation

of approval to authorize a contractor office with up to five (5) non-resident employees as a home occupation on a 92.8-acre parcel located at 143 Skimino Road (Route 797), further identified as Assessor's Parcel No. 3-1-B (GPIN# 20b-4572-4798), subject to the following conditions:

1. This Special Use Permit shall authorize a contractor office with up to five (5) non-resident employees as a home occupation on a 92.8-acre parcel located at 143 Skimino Road (Route 797), further identified as Assessor's Parcel No. 3-1-B (GPIN# 20b-4572-4798).
2. The contractor office shall be operated in compliance with the standards set forth in Sections 24.1-281, *General Requirements for home occupations*, and 24.1-283, *Home occupations permitted by special use permit*, of the York County Zoning Ordinance, except as modified herein.
3. No more than five (5) non-resident employees shall be permitted in connection with the home occupation.
4. No heavy truck or piece of equipment having a gross rated carrying capacity of more than one (1) ton gross weight shall be parked or stored on or operated from the subject property in connection with the home occupation.
5. This use permit shall expire two (2) years from the date of approval of this use permit.